

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

T-MOBILE USA, INC. AND SPRINT CORP.,

Defendants.

Case No. 2:23-cv-00379-JRG-RSP

JURY TRIAL DEMANDED

HEADWATER RESEARCH LLC,

Plaintiff,

v.

AT&T SERVICES, INC., AT&T MOBILITY,
LLC, and AT&T CORP.,

Defendants.

Case No. 2:23-cv-00397-JRG-RSP

JURY TRIAL DEMANDED

JOINT MOTION TO CONTINUE TRIAL DATE

Plaintiff Headwater Research LLC (“Headwater”) and Defendants T-Mobile USA, Inc. and Sprint Corp. (collectively, “T-Mobile”), and AT&T Services, Inc., AT&T Mobility, LLC, and AT&T Enterprises, LLC (collectively, “AT&T”) jointly move to continue the trial date in each above-captioned action, in light of unavoidable conflicts impacting witness availability, to the September 22, 2025 trial setting or at a time thereafter.

On July 22, 2025, the Court issued an Order of Trials, setting both above-captioned actions for the August 15, 2025 trial setting, with the T-Mobile -379 case in the first position and the AT&T -397 case in the second position.

Headwater’s expert on infringement and technical benefits, Dr. Richard Wesel, has a professional conflict with the August 15 trial setting. Dr. Wesel is a Professor and Associate Dean at UCLA, and he is the General Chair of the 2025 International Symposium on Topics in Coding, which will be held from August 18-22 in Los Angeles. As General Chair, Dr. Wesel has been planning every aspect of the conference for over a year, arranging the hotel, conference venue, banquet, and other events. Among other obligations each day of the conference, Dr. Wesel will give the conference’s opening remarks on Monday, August 18. In addition, Dr. Wesel will present four academic papers at the conference, two on August 18 and two on August 21.

In the recent *Headwater v. Verizon* (No. 2:23-cv-00352) trial, Dr. Wesel began testifying on the first day of trial but did not complete his several hours of case-in-chief testimony until the second day of trial. This action involves the same asserted patents and generally the same accused smartphones that were at issue in the *Verizon* trial. Headwater thus expects that Dr. Wesel again will not be able to complete his case-in-chief testimony during the first day of trial, which would result in a direct conflict with his longstanding conference. Dr. Wesel’s conference obligations also would prevent him from testifying as a rebuttal witness for Headwater.

In addition, key members of T-Mobile's in-court trial team, including Josh Krevitt and Brian Rosenthal, have conflicts with the August 15 trial setting. Both Mr. Krevitt and Mr. Rosenthal have pre-planned, prepaid, and nonrefundable family vacations during the week of August 15 through August 23.

The parties are available for the September 22 trial setting but unfortunately have conflicts with the September 8 trial setting, which the parties understand to be the next setting after August 15. Specifically, T-Mobile's damages expert, Laura Stamm, has an unavoidable and immovable nonrefundable international family trip from August 30, 2025, to September 15, 2025. This trip involves a multi-generational gathering in Switzerland to celebrate her daughter's wedding, including with elderly grandparents who were unable to travel to the United States. Ms. Stamm cannot reschedule the trip because it is related to her daughter's wedding and required coordination with numerous other relatives who all have travel to Europe arranged and paid for at that time. As a result, Ms. Stamm is unavailable to testify during the Court's September 8, 2025, trial setting. However, she is available for the Court's September 22, 2025, trial setting or at a time thereafter. In addition, AT&T's corporate representative, Cameron Coursey, likewise has a significant trial conflict, as he has a long-planned business engagement the week of September 8, 2025, that will require travel. In addition to being AT&T's corporate representative, Mr. Coursey is expected to testify concerning the parties' interactions in 2009 and is the only AT&T trial witness with knowledge of these disputed facts.

Given these conflicts, the parties respectfully request that trial in both above-captioned cases be continued to the September 22, 2025 trial setting, with the T-Mobile -379 case still having a higher position in the Order of Trials than the AT&T -397 case.

Dated: July 24, 2025

Respectfully submitted,

/s/ Marc Fenster

Marc Fenster
CA State Bar No. 181067
Reza Mirzaie
CA State Bar No. 246953
Brian Ledahl
CA State Bar No. 186579
Ben Wang
CA State Bar No. 228712
Paul Kroeger
CA State Bar No. 229074
Neil A. Rubin
CA State Bar No. 250761
Kristopher Davis
CA State Bar No. 329627
James S. Tsuei
CA State Bar No. 285530
Philip Wang
CA State Bar No. 262239
Dale Chang
CA State Bar No. 248567
Jason M. Wietholter
CA State Bar No. 337139
Matthew Aichele
VA State Bar no. 77821
Adam S. Hoffman
CA State Bar No. 218740
Ryan Lundquist
CO State Bar No. 56449
Qi (Peter)Tong
TX State Bar No. 24119042
Mackenzie Paladino
NY State Bar No. 6039366
RUSS AUGUST & KABAT
12424 Wilshire Blvd. 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474
headwater@raklaw.com

Andrea L. Fair
MILLER FAIR HENRY PLLC
1507 Bill Owens Parkway
Longview, Texas 75604
Telephone: 903-757-6400

andrea@millerfairhenry.com

*Attorneys for Plaintiff,
Headwater Research LLC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on July 24, 2025.

/s/ Marc Fenster
Marc Fenster

CERTIFICATE OF CONFERENCE

Counsel for Headwater conferred with counsel for Defendants on July 24, 2025 on this Motion to Expedite Briefing. Defendants do not oppose this motion.

/s/ Marc Fenster
Marc Fenster